AO 91 (Rev. 11/11) Criminal Complaint (AUSA Jerome M. Maiatico Authorizing) (RG) C&W No. 16-100

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America
v.
ANTHONY LYNCH,
a/k/a "C.B."

Defendant(s)

Case No. 16-1447-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 23, 2016 in the county of Philadelphia in the Eastern District of Pennsylvania, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. Section 1028A	aggravated identity theft
18 U.S.C. Section 1029(a)(1)	access device fraud

This criminal complaint is based on these facts:

See attached Affidavit

☑ Continued on the attached sheet.

Kenneth J. Moore
Complainant's signature

Kenneth J. Moore, U.S. Postal Inspector
Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 23, 2016

Thomas J. Rueter
Judge's signature

City and state: Philadelphia, PA

Honorable Thomas J. Rueter, USMJ
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	FILED UNDER SEAL
v.	:	
	:	MAGISTRATE NO. 16-1442-M
ANTHONY LYNCH	:	
a/k/a "C.B."	:	

AFFIDAVIT

I, Kenneth J. Moore, U.S. Postal Inspector, being duly sworn according to law, depose and state:

Introduction and Agent Background

1. I make this affidavit in support of a criminal complaint and arrest warrant for ANTHONY LYNCH, a/k/a "C.B.," for violations of violations of Title 18, United States Code, Sections 1028A (aggravated identity theft) and 1029(a)(1) (fraud and related activity in connection with access devices).[1]

2. I am a United States Postal Inspector (Postal Inspector) assigned to the Philadelphia Division of the United States Postal Inspection Service (Inspection Service), and have been so employed since July of 2014. I was previously employed as a U.S. Postal Police Officer from 2014-2010 and a U.S. Letter Carrier from 2010-2006. I received a Bachelor of Science degree in Criminal Justice from West Chester University of Pennsylvania in 2011. I received a Master of Arts degree in Criminology from Indiana University of Pennsylvania in 2014. I have attended two federal law enforcement academies at the Inspection Service Career Development Unit for a total of 20 weeks of academy training. Through my training,

[1] The names of victims used by Lynch have been redacted (initials only) to protect the identities of the victims at this time.

experience, and education from working with other agents, I have developed a competence in identifying and investigating federal crimes, including identity theft investigations. Through my training, experience, and education from working with other agents, I have become familiar with the methods that individuals use to send fraudulent, counterfeit, or illegally obtained debit cards, credit cards, and identifications through the U.S. Mail.

3. As part of my duties as a Postal Inspector, I investigate the use of the U.S. Mails to transport illegally obtained debit cards, credit cards, and identifications in violations of Title 18, United States Code, Sections 1028A (aggravated identity theft) and 1029(a)(1) (fraud and related activity in connection with access devices). I have been trained in various aspects of law enforcement, including the investigation of identity theft offenses and financial crimes. Through my education and experience, and that of other agents, I have become familiar with the methods that individuals use to send illegally obtained debit cards, credit cards, and identifications through the U.S. Mail.

4. This affidavit is based upon my personal knowledge, experience and training, and other information developed during the course of this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of Title 18, United States Code, Sections 1028A (aggravated identity theft) and 1029(a)(1) (fraud and related activity in connection with access devices), have been committed.

Summary of Probable Cause

5. I have been intimately involved in this investigation. Based on the information outlined in this affidavit, as well as my training and experience, it is your affiant's belief that ANTHONY LYNCH, a/k/a "C.B.," has violated the aforementioned federal laws by using credit cards at retail locations after fraudulently obtaining them using the identities of individuals without their permission or knowledge. LYNCH had these items sent to him via U.S. Mail. In addition, LYNCH has caused mailings, including credit card statements, applications, and declinations to be sent in the name of third parties without their permission or knowledge to his residence at 1513 Tyson Street, Apt 1, Philadelphia, PA 19176. LYNCH has also caused these mailings to be sent to the Post Office and has presented fake identification in the name of a third party without their knowledge or consent at the Post Office in order to obtain the mailings.

Summary of Probable Cause

6. On August 23, 2016, U.S. Postal Inspectors in Philadelphia received a complaint from U.S. Postal Service Management at the Boulevard Philadelphia Post Office (Boulevard) that a large quantity of mail including parcels and first class mail from credit card companies, in different names that were not known to the U.S Postal Service, were being sent to both 1513 and 1515 Tyson Avenue, Philadelphia, PA 19149.

10. According to the U.S. Postal Service complaint, a U.S. Postal Service Letter Carrier reported that on August 20, 2016, a Hispanic male by the name of "C.B.," who resides at 1513 Tyson Avenue, approached her on the street while she was working to ask her about the

status of U.S. Mail (parcels and letters) in the name of "J.C." The Letter Carrier informed "C.B." a parcel for "J.C." was at the Boulevard Post Office and was not delivered to the residence due to an insufficient address.

11. According to the U.S. Postal Service complaint, on August 21, 2016, a Postal Supervisor from Boulevard Post Office reported a Hispanic male came into the Post Office to pick up the parcel addressed to "J.C., 1515 Tyson Avenue, Philadelphia, PA 19149". The Postal Supervisor reported he produced an Illinois driver's license in the name "J.C." and the driver's license photograph matched his appearance. The postal supervisor photocopied the driver's license which contained the driver's license information and address for J.C.

12. On August 23, 2016, Postal Inspectors ran the license name and address information through the Law Enforcement Database "CLEAR" and found a phone number for J.C. Postal Inspectors contacted J.C. who stated he resides in Morton, IL. J.C. stated he has never lived in Philadelphia. J.C. informed Postal Inspectors he believed he was the victim of identity theft, as several credit accounts were opened in his name and he was able to determine there was approximately $5,112 in loss on those accounts. Postal Inspectors were able to obtain the legitimate driver's license photo of J.C., who is a Caucasian male and did not match the identification presented by the individual at the post office on August 21, 2016.

13. On August 31, 2016 Postal Inspectors confiscated several first class pieces of U.S. mail from Boulevard (Philadelphia) Post Office addressed to "J.C." at 1513 and 1515 Tyson Avenue including a Kohl's credit account and Walmart MasterCard account for J.C. J.C. was able to confirm the Kohl's and Walmart accounts were opened fraudulently without his knowledge.

14. On September 1, 2016, Postal Inspectors received a photograph and video clips from Target Loss Prevention of the transactions related to the fraud Target account opened in J.C.'s name. The transactions occurred on August 14, 2016, at the Target store located on 7400 Bustleton Ave, Philadelphia, PA 19152. The photograph and video show a Hispanic male suspect making two separate purchases and then leaving the store. The male seen in the video appears to be the same male in the photograph on the false identification for J.C. presented on August 21, 2016, at the post office. *See* paragraph 11.

15. On September 7, 2016, Postal Inspectors conducted surveillance at 1513 Tyson Ave, Philadelphia, PA 19149 (1513 Tyson Ave). Postal Inspectors observed the Hispanic male suspect, matching the description of the suspect from Target surveillance footage, exit 1513 Tyson Ave and make an ATM withdrawal at a Wawa Convenience Store. The male suspect then returned to 1513 Tyson Ave and entered the residence.

16. On October 4, 2016, Postal Inspectors were contacted by Postal Management of Boulevard Post Office who informed that "C.B." from 1513 Tyson Ave called in an attempt to retrieve an express mail flat # EL483834465US. The express mail flat had not been delivered by the Postal Service because of an insufficient address (no apartment number). The express mail flat was addressed to "S.K., 1513 Tyson Ave Philadelphia PA 19149" and was sent from "Mike Jones 116 Cambridge PL Apt 5b Brookly, NY 11238". Investigation of the return address of the express mail through the Law Enforcement Database "CLEAR" showed the name "Mike Jones" is not associated with the return address. From my training and experience, and the experience of other agents, I know that identity thieves who are sending debit cards, credit cards, and identifications using U.S. Mail will often use an incorrect return address and/or a fictitious return

addressee name when shipping illegally obtained items. They use this subterfuge in order to prevent the mailer from being located.

17. On October 5, 2016, Postal Inspectors examined express mail flat # EL483834465US and determined that it felt like it contained multiple identifications and/or credit/debit cards. At the instruction of Postal Inspectors, "C.B." was contacted by Boulevard Postal Management and he was informed he could pick up the express mail flat if he was able to produce identification. "C.B." stated to Postal Management he would not be able to produce identification and wanted the express mail flat returned to the sender.

18. On October 5, 2016, Postal Inspectors received a photograph and video footage from Kohl's loss prevention depicting the individual who conducted a fraud transaction related to Kohl's fraud account opened in J.C.'s name. The transaction occurred on August 23, 2016, at the Kohl's store located on 250 W Chester Pike Havertown, PA 19083. The photograph and video surveillance footage matched the individual observed in the prior Target surveillance footage, the identification provided at the post office on August 21, 2016, and the prior surveillance conducted by Postal Inspectors at 1513 Tyson Avenue.

19. On October 20, 2016, Postal Inspectors were contacted by Postal Management who advised an express mail flat # EL483831185US arrived for "C.B." The express mail flat was addressed to "C.B., 1513 Tyson Avenue Apt 1, Philadelphia, PA 19149" from "Mike Jones 155 Pulaski St Apt 1, Brooklyn, NY 11206". Postal Inspectors were informed by Postal Management the express mail flat once again felt like it contained multiple debit cards, credit cards, and/or identifications. Investigation of the return address of the express mail flat through the Law Enforcement Database "CLEAR" showed the name "Mike Jones" is not associated with

the return address. From my training and experience, and the experience of other agents, I know that identity thieves who are sending debit cards, credit cards, and identifications using U.S. Mail will often use an incorrect return address and/or a fictitious return addressee name when shipping illegally obtained items to prevent the mailer from being located. The express mail flat was delivered to "C.B." at 1513 Tyson Ave and he signed postal form 3849 delivery receipt.

20. On November 19, 2016, Postal Inspectors were contacted by Boulevard Postal Management and informed another express mail flat # EL416927076US addressed to "C.B." arrived at the Boulevard (Philadelphia) Post Office. Postal Management reported the express mail flat felt as if it contained multiple debit cards, credit cards, and/or identifications.

21. On November 21, 2016, Inspectors confiscated express mail flat # EL416927076US from Boulevard Post Office, examined it, and determined it felt like it contained multiple debit cards, credit cards, and/or identifications. The express mail flat is addressed to "C.B., 1513 Tyson Ave Philadelphia PA 19149" and has a return address of "Kim Smith 567 Myrtle Ave Brooklyn NY 11205".

22. The express flat was mailed on November 18, 2016 from Brooklyn, NY. Investigation of the return address of the express mail flat through the Law Enforcement Database "CLEAR" showed the name "Kim Smith" is not associated with the return address. From my training and experience, and the experience of other agents, I know that identity thieves who are sending illegally obtained debit cards, credit cards, and identifications using the U.S. mail will often use an incorrect return address and/or a fictitious return addressee name when they are shipping illegally obtained items to prevent the mailer from being located.

23. On November 21, 2016, the Honorable THOMAS J. RUETER, U.S. Magistrate Judge for the Eastern District of Pennsylvania, issued a federal search warrant (16-1426-M) to search Priority Mail Express flat # EL416927076US. Postal Inspectors opened the flat and found it contained one fraudulent Pennsylvania Driver's License for J.B. The photograph on the Driver's License matches the photograph on the false identification for J.C. presented on August 21, 2016, at the post office. *See* paragraph 11. The flat also contained two Capital One Bank MasterCard Credit Cards. The first Capital One Bank MasterCard had the following identifiers: J.R.B., Acc. (5444), Exp. Date 03/21. The second Capital One Bank MasterCard had the following identifiers: R.N.R., Acc. (4090), Exp. Date 10/21.

24. U.S. Postal Inspectors repackaged the parcel with all of its contents and scheduled a controlled delivery of the parcel to 1513 Tyson Avenue, Apt. 1, Philadelphia, PA. Inspectors added a GPS and an entry detection device, or beeper, to parcel in order to track the package. On November 22, 2016, the Honorable THOMAS J. RUETER, U.S. Magistrate Judge for the Eastern District of Pennsylvania, issued federal search warrants (16-1431-M) authorizing the search of 1513 Tyson Avenue, Apt 1, Philadelphia, PA 19149, provided that the package was accepted, and the use of certain electronic tracking and entry detection devices as aids to physical surveillance.

25. On November 23, 2016, U.S. Postal Inspectors conducted the controlled delivery, and a U.S. Postal Inspector posing undercover as a Postal Letter Carrier delivered Priority Mail Express Parcel No. EL416927076US to 1513 Tyson Avenue, Apt 1, Philadelphia, PA 19149. The undercover rang the doorbell and ANTHONY LYNCH, a/k/a "C.B." came to the vestibule and unlocked the door. LYNCH accepted the package and expressed gratitude to the

undercover, telling the undercover that he had been expecting the package a few days ago. The undercover observed LYNCH enter Apt. 1 with the package. About 15 minutes later, the beeper alarmed alerting law enforcement that the package was opened. The GPS inside the parcel showed that the parcel stayed inside the apartment. As soon as the alarm went off, law enforcement made attempts to enter the building. Inspectors forcibly entered through the front door and apartment door, and eventually found LYNCH exiting the back bedroom (one bedroom apartment) with hands up. Inspectors recovered the express mail package. The parcel, identification card, and credit cards were found in the bedroom under the bed. The cards were separated from the package and strewn under the bed.

26. Inspectors interviewed LYNCH. He stated that he knew why law enforcement was there, and he admitted to being involved in a credit card scheme. He stated that he exchanged information via email and text with an individual who resides in Brooklyn, New York, named "Scott". LYNCH would receive profiles, including names, home addresses, social security numbers, and dates of birth of other individuals. He stated that he knew that the profiles were of real people ("victims"). He admitted taking that information and going to numerous retail stores, opening lines of credit, and making purchases with the lines of credit. He stated that he opened lines of credit with retail stores both in person and online. He admitted using the profiles of five victims with information from "Scott" in New York and two other victims with information he obtained elsewhere. He admitted opening at least seven credit cards and obtaining at least seven fake identification cards. In total, LYNCH said he purchased at least $50,000 worth of merchandise using the lines of credit for those victims. He then sold the merchandise on the street. For every $5,000 he made selling the merchandise, he kept $1,000

and delivered $4,000 to "Scott" in New York. LYNCH stated that he participated in this scheme with "Scott" from New York for the last six months, and that he had been using the identities of "C.B." and "W.B." for the past two years.

27. Pursuant to the search warrant authorizing the search of 1513 Tyson Avenue, Apt. 1, inspectors seized, among other items, multiple identification cards and credit cards, U.S. mail parcels in the names of "C.B." and others, and invoices in the names of victims. Inspectors also seized a notebook that appeared to contain more than fifteen names and social security numbers. LYNCH also admitted to filing a false tax return in another person's name.

28. LYNCH was shown surveillance photographs from Kohl's and Target, described in the above paragraphs, and admitted that was him in the photographs. Agents seized a t-shirt with "USA" on the front that appears to be the same shirt LYNCH wore in the surveillance photograph of LYNCH walking out of the Target.

29. I know that Target and Kohl's do business in interstate commerce.

Conclusion

30. I submit that this affidavit supports probable cause for a criminal complaint and arrest warrant ANTHONY LYNCH, a/k/a "C.B.," for violations of violations of Title 18, United States Code, Sections 1028A (aggravated identity theft) and 1029(a)(1) (fraud and related activity in connection with access devices).

Kenneth J. Moore
U.S. Postal Inspector

Sworn and subscribed before me
This 23 day of NOVEMBER, 2016:

BY THE COURT:

HONORABLE THOMAS J. RUETER
United States Magistrate Judge